

-----X
In the matter of:

DOCKET FILE COPY ORIGINAL

Request for review by

YESHIVA AHAVAS TORAH

of a Decision of the Universal
Service Administrator's Decision
on Appeal - Funding year 1999-2000

FCC Docket Nos.
97-21 & 69-45

96-45
RECEIVED

APR 11 2000

FCC MAIL ROOM
-----X

ALTER OBERMEISTER, affirms under penalty of
perjury:

I am the principal of YESHIVA AHAVAS TORAH, the party seeking review of the determination of the universal service administrator dated March 20, 2000 copy of which is annexed hereto pursuant to Section 54.719 (a)-(c), and I am fully familiar with the facts of the circumstances surrounding this matter.

YESHIVA AHAVAS TORAH submitted an FCC form 471, application number 135019, which was officially received by the SLD on March 26, 1999 (see acknowledgment letter annexed hereto as Exhibit ``A``).

This was more than two months after the submission of FCC form 470, which was received by the SLD on December 28th, 1998 and posted on their Website on January 14, 1999 (see page downloaded from the SLD Website annexed hereto as Exhibit ``B``).

We subsequently received a letter dated October 12, 1999 informing us that our funding status was denied with the explanation: ``The form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period...`` (see Funding Commitment Report annexed hereto as Exhibit ``C``).

Upon receipt of this letter we sent a letter of appeal explaining that, although the application had been signed on December 29, 1998 (routinely in conjunction with completing the entire form), it was **NOT** submitted until well after the 28-day period.

The FCC form 471 instruction sheet indicates clearly that, ``No earlier than 28 days after filing of FCC form 470...('the billed entity') should file an FCC form 471...``. However, there is no mention whatsoever as to

No. of Copies rec'd 0
List ABCDE

when the form may be signed only as to when it can be filed (see FCC form 471 instructions, Pg.2, annexed hereto as Exhibit ``D``).

On March 20,2000, we received the Administrator's Decision which was Denied. The reason for the denial was stated: ``The Form 471 was signed - prior to the allowable contract date...'' (see Administrator's Decision on Appeal annexed hereto as Exhibit ``E``).

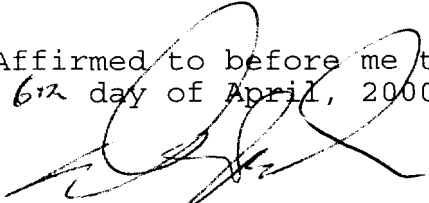
In view of the above facts we feel that we are in full compliance with the statutory regulations of the SLD for submission of FCC form 471. We request that the decision to deny our funding be reversed, and that the Funding Request Nos. 201570, 201574, and 201577 be funded in full.

WHEREFORE, YESHIVA AHAVAS TORAH respectfully request that the decision of the Universal Service Administrator be reversed and that the Funding Request Nos. 201570, 201574, and 201577 be funded in full.



ALTER OBERMEISTER

Affirmed to before me this
6th day of April, 2000.



DANIEL J. SCHER
NOTARY PUBLIC, State of New York
NO 4888878
Qualified in Kings County
Commission Expires March 16, 2001



Schools and Libraries
Division

Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

RECEIVED

APR 11 2000

FCC MAIL ROOM

YESHIVA AHAVAS TORAH
ALTER OBERMEISTER
1712 KINGS HWY
BROOKLYN NY 11229-1208

June 8, 1999

FCC Form 471 RECEIPT ACKNOWLEDGMENT LETTER TO APPLICANT
Re: Form 471 Application Number 135019
Funding Year 07/01/1999 - 06/30/2000
Billed Entity Number 12031

NOTICE: This notification is an acknowledgment of RECEIPT and SUCCESSFUL DATA ENTRY of your Form 471 application reflecting \$12,240.00 in total annual pre-discount costs for services. This letter does NOT contain any decisions concerning your requests for discounts. Please keep this letter for your records. The Form 471 application number cited above is critical for you to link your application to future Schools and Libraries Division (SLD) communications.

Please be advised that your Form 471 Services Ordered and Certification Form, was [REDACTED] and successfully entered into our data system. SLD's Program Integrity Assurance (PIA) Team will now review your application for compliance with program rules. Once the review of your application has been completed, you will receive a separate Funding Commitment Decisions Letter which informs you of the disposition of your application. Until you receive a Funding Commitment Decisions Letter from the SLD, you cannot assume that you will receive the discounts for which you are applying.

In addition, we have received the Certifications for the Forms 470 cited in your Form 471, as well as the Certification for the Form 471 and the other required documentation. We have inputted these Certifications to our processing system.

Your application will be considered within the application filing window wherein all applications which pass the Minimum Processing Standards are treated as though they were received on the same day.

Explanation of Line Item Information

All line items listed in Items 15 and 16 of the Form 471 application number cited above at the top of this letter (under the date of this letter) which passed Minimum Processing Standards and which could be entered into our data system are shown below. There are four important components of information shown for each line item:

FRN: The FRN is the Funding Request Number that the SLD assigned to each separate row of Item 15/16 that is entered into our data system. This number will be cited in relation to the SLD's funding decision contained in the Funding Commitment Decisions Letter. The FRN information will also be shared with service providers so that they can provide discounted bills and invoice the SLD for the approved discount amount.

SPIN: This is the Service Provider Identification Number that you provided. This is a unique identification number assigned to each service provider.

Service Provider Name: This is the legal name in our database that is associated with the Service Provider Identification Number that you provided.

Services Ordered: This is the type of services for which you have requested discounts. The Services Ordered categories are: Telecommunications Services; Internet Access; Internal connections-Shared; Dedicated Services or Internal Connections-Site Specific. The Legend for these categories is as follows:

FCC Form

Approval by OMB
3060-0806

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 6.0 hours

This form is designed to help schools and libraries describe the eligible telecommunications-related services they seek so that this data can be posted on a website and interested service providers can identify the applicant as a potential customer and compete to serve it.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications (School, library, or consortium desiring Universal Service funding.)

[Redacted]			
[Redacted]			
[Redacted]			
1. Name of Applicant: YESHIVA AHAVAS TORAH		2. Funding Year: [Redacted]	
3a. NCES School Code (if individual school) Or NCES Library Code (if individual library) State: - District: - School/Library:			
3b. Universal Service Control Number: 598580000125786		3c. Applicant ID Number: 12031	
4a. Type Of Applicant (Check only one box.)			
<input checked="" type="radio"/> school <input type="radio"/> school district <input type="radio"/> library or library consortium under the LSTA <input type="radio"/> consortium of multiple entities			
4b. If Applicant is a consortium, check all other boxes that apply:			
<input type="checkbox"/> includes non-governmental entities ineligible for support		<input type="checkbox"/> state educational agency	
<input type="checkbox"/> entity desires separate bills for each member of consortium		<input type="checkbox"/> local educational agency	
<input type="checkbox"/> entity desires separate bills for some members of consortium		<input type="checkbox"/> educational service agency	
<input type="checkbox"/> region of a state <input type="checkbox"/> statewide <input type="checkbox"/> multi-state			
5. Applicant's Street Address, P.O.Box, or Route Number			
Street 1712 Kings Highway			
City Brooklyn	State NY	Zip Code 5Digit 11229	Zip Code 4Digit 1208
Telephone number Ext: (718) 3399656		E-mail Address	
6. Contact Person's Name: Alter Obermeister			
Street Address, P.O.Box, or Route Number (if different from Item 5)			
Street: 1712 Kings Highway			
City: Brooklyn	State NY	Zip Code 5Digit: 11229	Zip Code 4Digit: 1208
Fill in all of the following (if available), and check the preferred mode of contact:			
<input checked="" type="radio"/> Telephone Number Ext: 0	<input type="radio"/> Fax Number Ext: 0	<input type="radio"/> E-mail address:	<input checked="" type="radio"/> Mail:

Block 2: Other Characteristics Of Applicant

FUNDING COMMITMENT REPORT FOR APPLICATION NUMBER: 0000135019

Funding Request Number: 0000201570 Funding Status: ~~Unfunded or Denied~~
SPIN: 143001359 Service Provider Name: Bell Atlantic dba New York Tel. Co.
Provider Contract Number: T
Services Ordered: Telecommunications Services
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: N/A
Pre-discount Cost: \$8,400.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was ~~signed and/or~~
~~submitted prior to the expiration of the 28-day waiting period~~ from the day of the
posting of the Form 470 to the SLD Web Site.

Funding Request Number: 0000201574 Funding Status: ~~Unfunded or Denied~~
SPIN: 143001192 Service Provider Name: AT&T Corp.
Provider Contract Number: T
Services Ordered: Telecommunications Services
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: N/A
Pre-discount Cost: \$1,440.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was ~~signed and/or~~
~~submitted prior to the expiration of the 28-day waiting period~~ from the day of the
posting of the Form 470 to the SLD web Site.

Funding Request Number: 0000201577 Funding Status: ~~Unfunded or Denied~~
SPIN: 143001192 Service Provider Name: AT&T Corp.
Provider Contract Number: T
Services Ordered: Telecommunications Services
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: N/A
Pre-discount Cost: \$2,400.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was ~~signed and/or~~
~~submitted prior to the expiration of the 28-day waiting period~~ from the day of the
posting of the Form 470 to the SLD web Site.

**FCC Form 471
Schools and Libraries Universal Service
Services Ordered and Certification Form**

Approval by OMB
3060-0806

Estimated Average Burden Hours Per Response: 6 hours

**Instructions for Completing the
Schools and Libraries Universal Service
Services Ordered and Certification Form (FCC Form 471)**

NOTICE TO INDIVIDUALS

Section 54.504 of the Federal Communications Commission's (FCC) rules requires all schools and libraries ordering services that are eligible for universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. The present name of the fund administrator is the Schools and Libraries Corporation (SLC). . 47 C.F.R. § 54.504. As of January 1, 1999, the Schools and Libraries Corporation will merge with the Universal Service Administrative Company, and will be known as the Schools and Libraries Division of the Universal Service Administrative Company. For purposes of this form, the term "fund administrator" will be used to refer to the fund administrator for the schools and libraries universal service support mechanism. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data collected in FCC Form 471 will be used to ensure that schools and libraries are receiving the appropriate discounts, complying with the eligibility requirements in 47 C.F.R. § 54.501, and taking steps required by 47 C.F.R. § 54.504 that are necessary to use the discounted services effectively. All schools and libraries ordering services eligible for universal service discounts must file this form, individually or as part of a consortium.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of an FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation, or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund, or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on this form, the processing of your application may be delayed or your application may be returned to you without action.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. § 552, and the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.* An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Public reporting burden for this collection of information is estimated to average six hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications Commission, Records Management Branch, Washington, D.C. 20554.

I. INTRODUCTION.

On May 7, 1997, the FCC adopted rules providing discounts on all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. Section 54.504 of the FCC's rules require all schools and libraries ordering services under this discount mechanism to certify their eligibility to receive discounts. 47 C.F.R. § 54.504. Section 54.504 of the FCC's rules directs schools and libraries to submit this information on a Services Ordered and Certification Form. 47 C.F.R. § 54.504.

II. FILING REQUIREMENTS AND GENERAL INSTRUCTIONS.

A. Who Must File.

FCC Form 471 should be filed to request discounts on eligible services for eligible schools, libraries, and consortia of those entities. FCC Form 471 must be preceded by the filing of a FCC Form 470.

All schools and libraries, or consortia acting on behalf of schools and libraries, requesting discounts on telecommunications services, Internet access, and internal connections, hereinafter "eligible services," pursuant to the universal service support mechanism for schools and libraries must file FCC Form 470. ~~Each entity that files FCC Form 470~~, each entity actually paying bills to the service provider on behalf of eligible schools, libraries and consortia of those entities ~~(the entity) must file FCC Form 471~~ to request discounts on the services identified in the FCC Form 470 that have been procured pursuant to a signed, written contract or, in the case of some telecommunications services that are not available under a contract, pursuant to tariff. Please note that the first date on which a FCC Form 471 application may be submitted will be expressly identified in a letter that will be sent to each FCC Form 470 applicant to acknowledge the fund administrator's receipt of the FCC Form 470 application.



UNIVERSAL SERVICE
ADMINISTRATIVE CO.

SCHOOLS AND LIBRARIES DIVISION

Box 125 – Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981

Administrator's Decision on Appeal - Funding Year 1999-2000

March 20, 2000

Rabbi Alter Obermeister
Yeshiva Ahavas Torah
2961 Nostrand Ave
Brooklyn, NY 11229

Re: Billed Entity Number: 12031
 Application Number: 135019
 Funding Request Number(s): 201570, 201574, 201577
 Your Correspondence Dated: November 1, 1999

After thorough review and investigation of your appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has resolved your appeal seeking approval of additional discounts for the second program year. This letter addresses our decision concerning each Funding Request Number that was included in your letter of appeal for the Application Number cited above. If your letter of appeal addressed more than one Application Number, a separate letter will be issued to inform you of our decision on the appeal of each Application Number.

Funding Request Numbers: 201570, 201574, 201577
Decision on Appeal: Denied in full

Denial Reason:

- The Form 471 was ~~signed~~ prior to the Allowable Contract Date of 2/11/99 (the 28th day after posting the Form 470 on the SLD Web Site) for new services. We have confirmed this by examining ~~the date that was signed~~ your application (Line 31 signature date, 12/29/98). If this date was before the 28th day after the posting date of your Form 470, then your application did NOT comply with the program rules governing the preparation and submission of Form 471.

If you feel further examination of your application is in order, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12TH Street, SW, Room TW-A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted to the SLD Web Site at <www.sl.universalservice.org>. You must file your appeal